

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Anthony Lombardo,)	CASE NO. 1:13 CV 2281
)	
Plaintiff,)	JUDGE PATRICIA A. GAUGHAN
)	
Vs.)	
)	
Carolyn W. Colvin,)	
Commissioner of Social Security,)	<u>Memorandum of Opinion and Order</u>
)	
Defendant.)	

INTRODUCTION

This matter is before the Court upon the Report and Recommendation of Magistrate Judge Kathleen B. Burke (“R&R”)(Doc. 17), recommending that the decision of the Commissioner be affirmed. Plaintiff filed objections to the R&R. For the reasons that follow, the objections are REJECTED and the R&R is ACCEPTED. The decision of the Commissioner is AFFIRMED.

ANALYSIS

Federal Rule of Civil Procedure 72, which governs the matter herein inasmuch as timely objections have been made to the Report and Recommendation, provides in part:

(b) Dispositive Motions and Prisoner Petitions.

...The district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule. The district judge may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions.

As stated in the Advisory Committee Notes, "The term 'de novo' signifies the magistrate's findings are not protected by the clearly erroneous doctrine, but does not indicate that a second evidentiary hearing is required." citing *United States v. Raddatz*, 447 U.S. 667 (1980).

Plaintiff objects to the ALJ's credibility determination. Plaintiff's objection contains a rehashing of the arguments raised before the Magistrate Judge. According to plaintiff, the ALJ failed to properly consider plaintiff's daily activities. Plaintiff further argues that the treatment notes support plaintiff's complaints of disabling leg pain. Upon review, the Court rejects the argument. The Magistrate Judge thoroughly and accurately addressed this issue. Although plaintiff disagrees with the ALJ's conclusions, plaintiff simply points to no error on the part of the ALJ in analyzing plaintiff's credibility. Therefore, the objection is not well-taken.

CONCLUSION

Having considered the Objections and upon review, this Court agrees with the determinations of the Magistrate Judge and, therefore, her findings are hereby incorporated herein by reference. The Report and Recommendation is ACCEPTED. The decision of the Commissioner is AFFIRMED.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan
PATRICIA A. GAUGHAN
United States District Judge

Dated: 12/12/14